

# Office Action Summary

Application No.

09/843,902

Applicant(s)

KIBAR, OSMAN

Examiner

Jon P Weber, Ph.D.

Art Unit

1651

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17, 20-53 and 80-85 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20-53 and 80-85 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/4/02, 5/27/03, 3/7/02, 11/9/03, 1/2/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

### Complete if Known

Application Number	09/843,902
Filing Date	April 27, 2001
First Named Inventor	Osman Kibar
Group Art Unit	1651
Examiner Name	Not Yet Assigned HANLEY
Attorney Docket Number	0302670-002

Examiner Initials *	U.S. Application or Patent Document		Name of Patentee or Applicant of Cited Document	Date of Filing or Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	Number	Kind Code <sup>2</sup> (if known)			
SNA SNA	2003-0008364	A1	Wang et al.	01/09/03	
	2002-0181837		Wang et al.	12/05/02	

Examiner Initials *	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

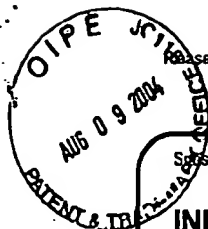
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Examiner Signature		Date Considered	3/31/05
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<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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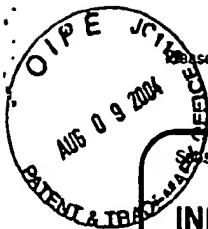
Complete if Known

Application Number	09/843,902
Filing Date	April 27, 2001
First Named Inventor	Osman Kibar
Group Art Unit	1651
Examiner Name	Jon P. Weber Hanley
Attorney Docket Number	302,670-002 (prev. 259/221)

Examiner Initials *	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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SMA	US-3826899		Ehrlich et al	07/30/1974	
	US-4460667		Landa	07/17/1984	
	US-4939081		Figdor et al	07/03/1990	
	US-5374556		Bennett et al	12/20/1994	
	US-5472550		Periasamy	12/05/1995	
	US-5667288		Shull et al	10/14/1997	
	US-5752608		Wilson et al	05/19/1998	
	US-5834208		Sakano	11/10/1998	
	US-5998152		Lynch et al	12/07/1999	
	US-6008010		Greenberger et al	12/28/1999	
	US-6355491	B1	Zhou et al	03/12/2002	
	US-6387331	B1	Hunter	05/14/2002	
	US-6395480	B1	Hefli	05/28/2002	
	US-6408878	B2	Unger et al	06/25/2002	
	US-6411838	B1	Nordstrom et al	06/25/2002	
	US-6485805	B2	Hefli	11/26/2002	
	US-6507400	B1	Pina et al	01/14/2003	
	US-6518056	B2	Schembri et al	02/11/2003	
	US-6534308	B1	Palsson et al	03/18/2003	
	US-6540895	B1	Spence et al	04/01/2003	
	US-6566079	B2	Hefli	05/20/2003	
	US-6624940	B1	Grier et al	09/23/2003	
SMA	US-2002/0025529	A1	Quake et al	02/28/2002	
	US-2002/0037542	A1	Albritton et al	03/28/2002	

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	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
SMA	WO	02/39104	A1	Kibar	05/16/2002		
SMA	JP	9-43434	A	Ikeda et al	02/14/1997		abstract

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SMA	ARLT et al, "Moving Interference Patterns Created Using The Angular Doppler Effect", Optics Express, 10, 16, 2002, 844-852.	
SMA	ASHKIN, "The Pressure Of Laser Light", Scientific American, 226, 2, 1972, 63-71.	
SMA	BUICAN, "Automated Cell-Separation Techniques Based On Optical Trapping", ACS Symposium Series, 464, 1991, 59-72.	
SMA	Experimental Biochemistry, 2 <sup>nd</sup> Edition, J.M. Clark & R.L. Switzer, eds., Section II, W.H. Freeman and Co., New Yor, 1997, 73-74.	



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First Named Inventor		Osman Kibar			
Group Art Unit		1651			
Examiner Name		Jon P. Weber <i>Hanley</i>			
Attorney Docket Number		302,670-002 (prev. 259/221)			
Sheet	2	of	2		

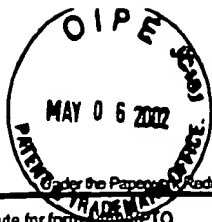
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<i>SMA</i>	IMASAKA, et al., "Optical Chromatography. A New Tool For Separation Of Particles", Analysis Magazine, 26, 5, 1998, M 53-M 55.	
<i>SMA</i>	MARIKX, et al., "Dielectrophoretic Separation Of Bacteria Using A Conductivity Gradient", Journal of Biotechnology, 51, 1996, 175-180.	
<i>SMA</i>	MARIKX, et al., "The Dielectrophoretic Levitation Of Latex Beads, with Reference To Field-Flow Fractionation", Journal Of Physics D: Applied Physics, 30, 17, 1997, 2470-2477.	
<i>SMA</i>	PETHIG, et al., "Applications Of Dielectrophoresis In Biotechnology", TIBTECH, 15, 10, October 1997, 426-432.	
<i>SMA</i>	PRIEVE, "Use Of Optical Forces To Detach Single Microscopic Particles Adhering To Flat Surfaces In Aqueous Media", Proceedings Of The Annual Meeting Of The Adhesion Society, 20 <sup>th</sup> , 1997, 151-153.	
<i>SMA</i>	YANG, et al., "Dielectric Properties Of Human Leukocyte Subpopulations Determined By Electrorotation As A Cell Separation Criterion", Biophysical Journal, 76, June 1999, 3307-3314.	

Examiner Signature	<i>J. Hanley</i>	Date Considered	11/14/04
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 1

### Complete If Known

Application Number	09/843,902
Filing Date	April 27, 2001
First Named Inventor	Osman Kibar
Group Art Unit	2872-1651
Examiner Name	Not Yet Assigned Hanrey
Attorney Docket Number	259/221

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant, Passages or Relevant Figures Appear
SMA	AA	US 4386274	05/31/1983	Altshuler	
SMA	AB	US 4886360	12/12/1989	Finlan	
	AC				
	AD				

### FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> - Number <sup>1</sup> - Kind Code <sup>3</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant, Passages or Relevant Figures Appear	T <sup>4</sup>
SMA	AE	EP 0556748A2	08/25/1993	Canon Kabushiki Kaisha		
SMA	AF	EP 0556748A3	08/25/1993	Canon Kabushiki Kaisha		
SMA	AG	EP 0635994A1	01/25/1995	Canon Kabushiki Kaisha		

### OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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SMA	AH	IMASAKA et al, Optical Chromatography, Analytical Chemistry, Vol. 67, No. 11, 06/01/1995, pp 1763-1765	

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<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 1 of 2

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Application Number 09/843,902  
Filing Date April 27, 2001  
First Named Inventor Osman Kibar  
Group Art Unit 2872  
Examiner Name Not Yet Assigned  
Attorney Docket Number 0302670-00002 (former. 259/229)

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JHO	US-4253848		Smythe et al	03/03/81	
	US-4386274		Altshuler	05/31/83	
	US-4756427		Göhde	07/12/88	
	US-4886360		Finlan	12/12/89	
	US-5773298		Lynggaard et al	06/30/98	
	US-5942443		Parce et al	08/24/99	
	US-5950071		Hammond et al	09/07/99	
	US-6149789		Benecke et al	11/21/00	
	US-6221654	B1	Quake et al	04/24/01	
	US-6224732	B1	Imasaka et al	05/01/01	
	US-6242209	B1	Ransom et al	06/05/01	
	US-6260960	B1	Carr	08/28/01	
	US-6280967	B1	Ransom et al	08/28/01	
	US-6287758	B1	Okun et al	09/11/01	
	US-6344325	B1	Quake et al	02/05/02	
JHO	US-6398397	B1	Zarling et al	06/04/02	
	US-6514722	B2	Palsen et al	02/04/03	
	US-2002/0058332	A1	Quake et al	05/16/02	
	US-2003/0032204	A1	Walt et al	02/13/03	
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JHO	WO	01/41333	A2	Ransom et al	06/07/01		
	WO	01/40454	A1	Koller et al	06/07/01		
	WO	01/68110	A1	Koller et al	09/20/01		
	WO	02/22774	A1	Elsfeld et al	03/21/02		
	EP	0635894	B1	Imasaka et al	09/23/98		
JHO	EP	0556748	B1	Nishimura et al	10/28/98		
	JP	9-43434	A	Yasuda et al	02/14/97		abst

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	ASHKIN et al, "Force Generation Of Organelle Transport Measured In Vivo By An Infrared Laser Trap", Nature, 348, 11/22/90, 346-348.	
	CALDWELL, "Field-Flow Fractionation", Analytical Chemistry, 60, 17, 9/1/88, 959-971.	
	DAVIES et al, "Optically Controlled Collisions Of Biological Objects", SPIE, 3260, 1/25-28/88, 15-22.	

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5/19/03



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Sheet 2 of 2

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Application Number	09/843,902
Filing Date	April 27, 2003
First Named Inventor	Osman Kibar
Group Art Unit	2872
Examiner Name	Not Yet Assigned
Attorney Docket Number	0302670-00002 (former. 259/20)

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	DHOLAKIA et al, "Optical Tweezers: The Next Generation", Physics World, 10/02, 31-35.	
	ESENER, "Center For Chips With Heterogeneously Integrated Photonics (CHIPS), DARPA Opto Centers Kickoff, 11/08/00, Dana Point, CA.	
	FLYNN et al, "Parallel Transport Of Biological Cells Using Individually Addressable VCSEL Arrays As Optical Tweezers", Sensors & Actuators B, 87, 2002, 239-243.	
	IMASAKA et al, "Optical Chromatography", Analytical Chemistry, 67, 11, 06/01/95, 1763-1765.	
	SASAKI et al, "Optical Trapping Of A Metal Particle & A Water Droplet By A Scanning Laser Beam", Appl. Phys. Lett., 60, 7, 2/17/92, 807-809.	
	SHIKANO et al, "Separation Of A Single Cell By Red-Laser Manipulation", Applied Physics Letters, 75, 17, 10/25/99, 2671-2673.	
	SONEK et al, "Micromanipulation & Physical Monitoring Of Cells Using Two-Photon Excited Fluorescence In CW Laser Tweezers", SPIE, 2678, 01/28-02/01/98, 62-68.	
	WANG et al, "All Optical Switching Of Biological Samples In A Microfluidic Device", International Photonics Conference 2000, 12/12-15/00, Hsinchu, Taiwan.	
	WANG et al, "Integration Of Optoelectronic Array Devices For Cell Transport & Sorting", Photonics West 2001, 01/20-26/01, San Jose, CA.	
	WEI et al, "Laser Trapping Microscopy As A Diagnostic Technique For The Study Of Cellular Response & Laser-Cell Interactions", SPIE, 2983, 02/10-11/97, 22-28.	
	ZAHN et al, "Fluorimetric Multiparameter Cell Assay At The Single Cell Level Fabricated By Optical Tweezers", FEBS Letters, 443, 1999, 337-340.	

Examiner  
Signature

Date  
Considered

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<sup>1</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 608. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet

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SWA	US-6,740,497	B2	Albritton et al.	05/25/2004	—
SWA	US-6,744,038	B2	Wang et al.	08/01/2004	—
SWA	US-6,778,724	B2	Wang et al.	08/17/2004	—
SWA	US-6,797,942	B2	Grier et al.	09/28/2004	—

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SWA	FUHR, et al., "Force Measurements Of Optical Tweezers In Electro-Optical Cages", Appl. Physics A, A67, (4) . 1998, pp. 385-390.	
SWA	TSAL, et al., "Applications Of Optical Tweezers And An Integrated Force Measurement Module For Biomedical Research", Proceedings of the SPIE, 4082, July 2000, pp. 213-221.	

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